

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SHARMELLE HOPKINS,

Plaintiff,

- v -

VERIZON COMMUNICATIONS, INC.,

Defendant.
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MEMORANDUM AND ORDER

CV-09-3453 (CBA)(VVP)

The parties have submitted a Discovery Confidentiality Order and Agreement for endorsement by the court. The proposed Order describes numerous categories of documents which may be made subject to the Order, most of which are problematic. Aside from trade secrets and personnel records for which protection is appropriate, the Order as written would cover broad categories of so-called “sensitive” information, as well as “information received in confidence from third parties,” and any other information that a party “believes in good faith to be entitled to protection under Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure.” These descriptions are vague and overbroad, and permit the parties to designate documents as confidential, and therefore subject to the order, without a showing of “good cause” as required by Rule 26(c). Indeed, it appears that virtually everything produced in discovery in this case could be classified as confidential under the Order.

Accordingly, the court has declined to enter the order as written. Instead, the court has stricken all of the problematic language and modified the order as necessary. Should a party wish to designate additional information for coverage under the Order,

an application may be made to the court which describes that information with sufficient specificity to permit the court to determine whether it qualifies for protection, and if the need for protection is not readily apparent from the description of the information, a showing of good cause must accompany the application.

SO ORDERED:

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
April 22, 2010